



CITY CLERK

CITY OF SAN JOSÉ, CALIFORNIA

Office of the City Clerk
801 North First Street, Room 116
San José, California 95110
Telephone (408) 277-4424
FAX (408) 277-3285

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA)
CITY OF SAN JOSE)

I, Deanna J. Santana, Acting City Clerk & Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that "**Ordinance No. 27069**", the original copy of which is attached hereto, was passed for publication of title on the **10th day of February, 2004**, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the **24th day of February, 2004**, by the following vote:

AYES: CAMPOS, CHAVEZ, CHIRCO, CORTESE, DANDO, GREGORY,
LeZOTTE, REED, WILLIAMS, YEAGER; GONZALES

NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE

VACANT: NONE

Said ordinance is effective as of **March 26, 2004**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **27th day of February, 2004**.

(SEAL)

DEANNA J. SANTANA
ACTING CITY CLERK & EX-OFFICIO
CLERK OF THE CITY COUNCIL

RD:VMT
1/16/04

ORDINANCE NO. 27069

**AN ORDINANCE OF THE CITY OF SAN JOSE ESTABLISHING
AN UNDERGROUND UTILITY DISTRICT ON STEVENS CREEK
BOULEVARD, FROM CALVERT DRIVE TO STERN AVENUE.**

WHEREAS, by Resolution No. 71908, the City Council of San Jose set a Public Hearing on February 10, 2004 at 1:30 P.M., in the Council Chambers of the City of San Jose, City Hall, 801 N. First Street, at the corner of First and Mission Streets, to ascertain whether an Underground Utility District should be established in the area designated as "STEVENS CREEK BOULEVARD RULE 20A UNDERGROUND UTILITY DISTRICT" (hereinafter called "District") and more fully described and shown on EXHIBITS A-1 and A-2 hereto; and

WHEREAS, written notice of the Public Hearing has been given pursuant to Section 15.24.050 of the San Jose Municipal Code, such hearing has been duly and regularly held, and all persons interested have been given a reasonable opportunity to be heard; and

WHEREAS, the criteria to form a district as set forth in San Jose Municipal Code Section 15.24.060 include:

- a. Removal of overhead wires and placement underground will eliminate an unusually heavy concentration of poles and overhead wires within the Proposed District; and
- b. Public streets or rights-of-way within the Proposed District are extensively used

by the general public and carry a heavy volume of pedestrian or vehicular traffic;
and

WHEREAS, pursuant to Section 15.24.060 of the San Jose Municipal Code, the City Council hereby finds and determines, based on evidence presented at the Public Hearing including the memorandum from the Director of Public Works dated January 21, 2004, and attached hereto as Exhibit A-3, that the above conditions exist within the proposed district, and public necessity, health, safety, and welfare require and it is in the general public interest that existing poles and overhead wires within the District be removed therefrom and thereafter prohibited and that wires and associated facilities within the District for transmitting, conducting, conveying, distributing, or supplying electricity for the purpose of providing light, heat, power, telephone, telegraph, communication, television, or other similar or associated service be installed underground; and

WHEREAS, on December 22, 2003, this Ordinance was found to be categorically exempt from environmental review per the provisions of Section 15302 of the California Environmental Quality Act of 1970, as amended, under File No. PP03-12-375.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of San Jose:

SECTION 1. The City Council hereby declares that a certain area of the City of San Jose described and shown on EXHIBITS A-1 and A-2, attached hereto, made a part hereof, and incorporated herein by reference is established as an underground utility district to be designated "STEVENS CREEK BOULEVARD RULE 20A UNDERGROUND UTILITY DISTRICT" and orders and requires that existing poles and overhead wires within said District be removed therefrom by the operators of the utilities and thereafter prohibited and that wires and associated facilities within said District for

transmitting, conducting, conveying, distributing, or supplying electricity for the purpose of providing light, heat, power, telephone, telegraph, communication, television, or other similar or associated service be installed underground subject to all of the provisions and exceptions contained in Part 3, Chapter 15.24, of the San Jose Municipal Code.

SECTION 2. Existing poles and overhead wires and associated facilities within the District for transmitting, conducting, conveying, distributing or supplying electricity for the purpose of providing heat, power, telephone, telegraph, communication, television or other similar or associated service shall be removed by the operators of the utilities no later than March 31, 2005.

Wires and associated facilities within the District for transmitting, conducting, conveying, distributing or supplying electricity for the purpose of providing heat, power, telephone, telegraph, communication, television or other similar or associated service shall be installed underground no later than March 31, 2005.

Persons owning any property as shown on the last equalized assessment roll served by overhead service drops which are extended from poles or spans located within the District must be ready to receive light, heat, power, telephone, telegraph, communications, television, or other similar or associated service by means of underground wires and facilities no later than March 31, 2005.

SECTION 3. The City Council does hereby request that the Pacific Gas & Electric Company and Pacific Bell provide payment, computed pursuant to Rule 20 and Rule 32 respectively for the installation of no more than one hundred (100) feet (measured from the property line) of trenching, excavation, conduit installation, backfill, and surface restoration of each customer's individual service lateral to each qualifying premise affected by the District.

SECTION 4. The City Council does hereby request that the Pacific Gas & Electric Company pay, from the existing Rule 20A allocation, for the conversion of electric service panels to accept underground service, up to \$1,500 per service entrance, excluding permit fees.

SECTION 5. Within twenty (20) days of the effective date of this ordinance, the Director of Public Works shall give written notice to all affected Utilities owning, possessing, or controlling any poles or overhead wires in the district and all owners and occupants of property affected by said District as required by Sections 15.24.150 and 15.24.160 of the San Jose Municipal Code.

SECTION 6. In lieu of a notice to the Utility Companies for disconnection of service pursuant to Section 15.24.140 of the San Jose Municipal Code, the Director of Public Works may give an additional notice to any noncompliant property owners or occupants in said District pursuant to Section 15.24.170 of the San Jose Municipal Code.

SECTION 7. The Director of Public Works is hereby empowered to extend the time for any act required under this ordinance for the period of time and for the reasons set forth in Section 15.24.180 of the San Jose Municipal Code.

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PASSED FOR PUBLICATION of title this 10th day of February, 2004, by the following vote:

AYES: CAMPOS, CHAVEZ, CORTESE, GREGORY,
LeZOTTE, REED, WILLIAMS, YEAGER, DANDO

NOES: NONE

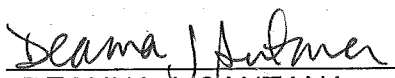
ABSENT: CHIRCO; GONZALES

DISQUALIFIED: NONE



PAT DANDO
Vice Mayor

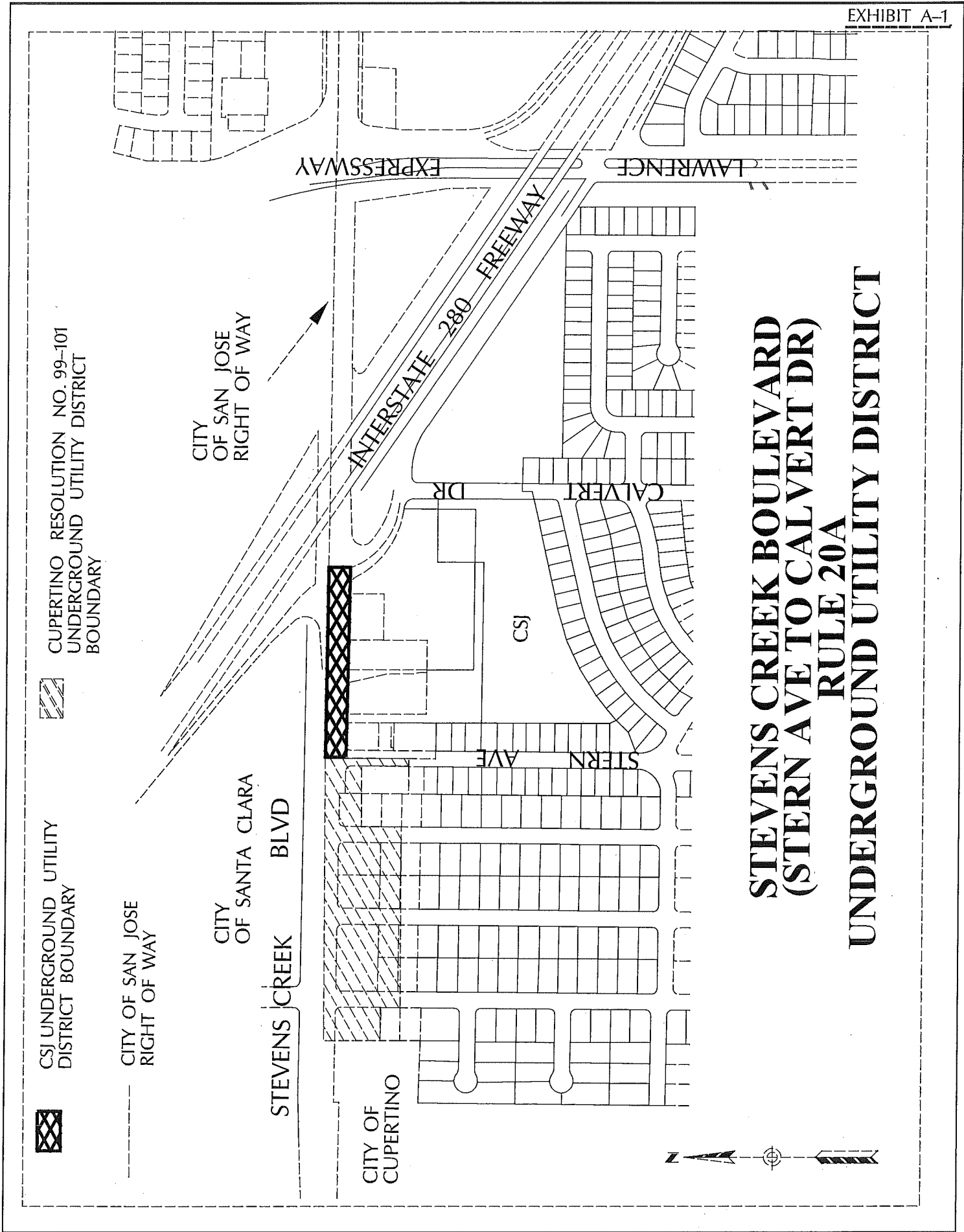
ATTEST:



DEANNA J. SANTANA
Acting City Clerk

Attachments:

- Exhibit A-1, Map
- Exhibit A-2, Description
- Exhibit A-3, Staff Memorandum



**STEVENS CREEK BOULEVARD
(STERN AVE TO CALVERT DR)
RULE 20A
UNDERGROUND UTILITY DISTRICT**

EXHIBIT A-2

**DESCRIPTION OF PROPOSED BOUNDARY OF AN
UNDERGROUND UTILITY DISTRICT AT STEVENS CREEK
BOULEVARD, BETWEEN CALVERT DRIVE AND STERN AVENUE**

All that certain real property situated in the City of San Jose, County of Santa Clara, State of California, described as follows:

BEGINNING at a true point of beginning at the intersection of the centerlines of Stevens Creek Boulevard and Stern Avenue;

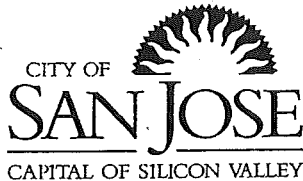
THENCE proceeding in a easterly direction 720±' along the centerline of Stevens Creek Boulevard to a point of intersection with the centerlines of Stevens Creek Boulevard and Calvert Drive;

THENCE proceeding in a southerly direction 80±' perpendicular to the centerline of Stevens Creek Boulevard to intersection with the southerly right-of-way line of Stevens Creek Boulevard;

THENCE proceeding in a westerly direction 720±' along the southerly right-of-way line of Stevens Creek Boulevard to a point of intersection with centerline of Stern Avenue;

THENCE proceeding in a northerly direction 80±' perpendicular to the centerline of Stevens Creek Boulevard to the true point of beginning.

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Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Katy Allen

**SUBJECT: STEVENS CREEK RULE 20A
UNDERGROUND UTILITY
DISTRICT**

DATE: 01-21-04

Approved

Date

Council District: 1

RECOMMENDATION

Conduct a Public Hearing and at its conclusion approve an ordinance establishing a Rule 20A Underground Utility District on Stevens Creek Boulevard, between Calvert Drive and Stern Avenue.

CEQA: Exempt, PP03-12-375.

BACKGROUND

Through Rule 20A, the California Public Utilities Commission requires Pacific Gas and Electric Company (PG&E) to annually set aside funds to finance the undergrounding of overhead distribution facilities located on public streets within the City of San José. Pacific Bell (SBC) and Comcast budget funds to participate in projects where the PG&E Rule 20A funds are programmed.

The City of Cupertino requested the City of San José's participation in a Rule 20A undergrounding utility project in conjunction with its undergrounding project. The City of Cupertino's Stevens Creek Boulevard Rule 20A undergrounding project is on Stevens Creek Boulevard, between Stern Avenue and Tantau Avenue, west of City of San Jose limits (Attachment A).

The proposed Stevens Creek Underground Utility District, between Calvert Drive and Stern Avenue, is included in the 2001/02 - 2006/07 Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program Five Year Workplan sent to the City Council on May 14, 2003. In addition, the proposed project meets criteria established by the City of San José to complete undergrounding adjacent to undergrounding accomplished by other projects. The proposed project will remove aerial facilities within the proposed Underground Utility District.

HONORABLE MAYOR AND CITY COUNCIL

01-21-04

Subject: Stevens Creek Boulevard Rule 20A Underground Utility District

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ANALYSIS

On January 14, 2004, notices of the public hearing were mailed to all utility companies and owners of property adjacent to the proposed District. To date, no written or verbal protests regarding the proposed District have been received by the City Clerk's Office or the Department of Public Works.

PUBLIC OUTREACH

Notices of adoption of the ordinance establishing the utility underground district will be sent to all utility companies and owners and occupants of property adjoining the proposed District upon public hearing.

PG&E will place "Door Hanger" construction notices on adjacent properties prior to the construction start date.

COORDINATION

The establishment of this District and the proposed project schedule have been coordinated with PG&E, Pacific Bell, Comcast, and the City of Cupertino. The City Attorney's Office has reviewed the required ordinance to establish the District. This memo was coordinated with the Planning, Building and Code Enforcement Department and the City Manager's Budget Office.

COST IMPLICATIONS

1. AMOUNT OF RECOMMENDATION: \$8,000

2. COST OF PROJECT (ESTIMATED):

COST TO UTILITIES:

PG&E Rule 20A Allocation	\$300,000
Pacific Bell Rule 32	2,000

COST TO CITY:

Project Development, Administration and Construction	8,000
Inspection (Fund 416)	

Total Project Cost (Estimated):	\$310,000
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3. SOURCE OF FUNDING: Fund 416 – Underground Utility Program

HONORABLE MAYOR AND CITY COUNCIL

01-21-04

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4. **FISCAL IMPACT:** This project is consistent with the Council-approved Budget Strategy Economic Recovery section in that it will spur construction in our local economy and have no significant impact on the General Fund.

BUDGET REFERENCE

Fund #	Appn #	Appn. Name	RC #	Total Appn.	*Amt. for Contract	Proposed Budget Page	Last Budget Action (Date, Ord. No.)
416	4654	Underground Utility Program	103083	\$1,650,00	\$8,000	Page 86	Amended 9/30/03, Ord. No. 26755

*Cost to the City in the amount of \$8,000 is for project development, administration and construction inspection.

CEQA

Exempt, PP03-12-375.

Katy Allen

KATY ALLEN

Director, Public Works Department

CM:SK:dfc

(sk010804CM.Stevens Creek Blvd Rule 20A.doc/UTL)

Attachments

UNDERGROUND UTILITY DISTRICT AT STEVENS CREEK BOULEVARD,
BETWEEN CALVERT DRIVE AND STERN AVENUE

Establishment Schedule

- | | |
|---------------|---|
| Jan. 13, 2004 | City Council adopts a resolution setting a time and place for a Public Hearing. |
| Jan. 14, 2004 | Director of Public Works mails a notice of Public Hearing to all adjacent property owners. |
| Jan. 28, 2004 | Director of Public Works transmits a report of comments and/or protests received for consideration at the Public Hearing. |
| Feb. 10, 2004 | City Council conducts a Public Hearing and at its conclusion approves an Ordinance establishing an Underground Utility District on Stevens Creek Boulevard, between Calvert Drive and Stern Avenue. |

Project Implementation Schedule

- | | |
|---------------|---|
| March 2004 | Utility companies begin design of substructure, conduit, vaults, electric and cable facilities. |
| November 2004 | Construction starts |
| March 2005 | Utility companies complete connections and remove overhead wires and poles. |

SAN JOSE POST-RECORD

~ SINCE 1910 ~

90 N. First Street, Suite 100, San Jose, California 95113-1225
Telephone (408) 287-4866 • Fax (408) 287-2544

BILL CARTER
SAN JOSE CITY CLERK
801 N FIRST ST
SAN JOSE, CA 95110

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of Santa Clara) ss

Notice Type: GORSJ SAN JOSE ORDINANCE (1 PUB)

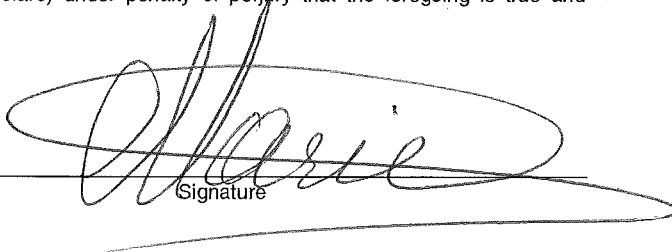
Ad Description: ORDINANCE #27069

I am a citizen of the United States; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the SAN JOSE POST-RECORD, a newspaper published in the English language in the City of San Jose, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of Santa Clara, State of California, under date of February 3, 1922, Case No. 27,844. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

02/17/04

Executed on: 02/17/2004
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.


Signature

This space for filing stamp only

RECEIVED
San Jose City Clerk

2004 FEB 20 A 9:15

SJ#: 638063

ORDINANCE NO. 27069
AN ORDINANCE OF THE CITY OF SAN
JOSE ESTABLISHING AN
UNDERGROUND UTILITY DISTRICT ON
STEVENS CREEK BOULEVARD, FROM
CALVERT DRIVE TO STERN AVENUE.
PASSED FOR PUBLICATION of the title
this 10th day of February, 2004, by the
following vote:
AYES: Campos, Chavez, Cortese,
Gregory LeZotte, Reed, Williams, Yeager,
Dando
NOES: NONE
ABSENT: CHIRCO; GONZALES
Disqualified: NONE
ATTEST:
PAT DANDO
Vice Mayor
DEANNA J. SANTANA
Acting City Clerk
02/17/04

SJ- 638063#